



WHAT TO DO IF YOU WANT TO FILE SUIT AGAINST YOUR CONSTRUCTION CONTRACTOR

Lawsuits against Construction contractors: What is L&I's role?

L&I does not handle lawsuits against contractors. These lawsuits are filed in the county Superior Court where the work was done. You may hire an attorney, or do it on your own. Lawsuits are filed, for example, when a job is not completed, or when inferior work is not properly repaired.

If you decide to sue a contractor, L&I is only authorized to serve the Summons & Complaint papers on the contractor and it's bonding company for funds available in their bond, and to keep records of court decisions provided to the department. L&I cannot give you legal advice or keep track of your court case.

How do contractor bonds work?

There are no laws regulating contractors' prices or the quality of their service. However, if the business is properly registered with L&I, it will be bonded. This bond is limited. Currently, it is \$12,000 for general contractors and \$6,000 for specialty contractors (contractors who specialize in a particular trade, such as drywall or painting). There is no limit to the amount you can sue for. However, if you are successful, the bonding company can only pay up to this amount.

Do I need an attorney to file a suit against my contractor?

No. You can file suit yourself, by following the instructions listed on the reverse. However, you may wish to consider hiring an attorney to help you, depending on your damages. Some will offer advice for a flat fee. A paralegal also can help you complete the form, but cannot give you legal advice. Paralegals are listed in the telephone directory.

Construction Defect Claims Law (Chapter 64.50 RCW)

In certain situations a construction professional (e.g. contractor) must be given the opportunity to address construction related defects prior to you taking legal action (i.e. filing a summons and compliant).

Only contracts for sale, construction, or substantial remodel can require this process. "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

You must be provided written notice upon entering into a contract that this process may be used.

If you have received this notice, you will need to follow the procedure outlined in the notice prior to filing suit. (please see Chapter 64.50 RCW for additional information)

Please Note: This law also applies to construction related defect claims filed by a board of directors. If you are involved in these types of claims there are additional requirements that you need to be aware of (See Chapter 64.50 RCW).

If you do not have an attorney representing you, these are the steps you take to file suit against a contractor in Washington.

1.) **Obtain a *Summons & Complaint* form.** These may be found on some courts websites, in some County clerks offices or for purchase in some office supply or stationery stores. Call ahead to make sure they are available. They can be hard to find. Also, if you get your forms from an office supply store, call the Superior Court to make sure the form covers all of its specific requirements.

2.) **Complete the form as directed.** L&I staff cannot give you legal advice or even help you with the form. You may include any applicable legal fees, court costs or interest costs in the lawsuit. To collect from the contractor's surety bond, you need to name the bond company (and include the Contractor's bond number) as a defendant. Name the contractor's business name, name of the owner(s), business address and contractor registration number. If a bank assignment is on file in lieu of a bond, you need to list the bank name and account number in your complaint. (Bond company name and number or bank information can be found on our contractor database at: www.LNI.wa.gov/contractors/contractor.asp)

3.) **File your form with the Superior Court in the county where the work was done.** The court will charge a filing fee of approximately \$110 and will stamp the form with a cause number.

4.) **After receiving your cause number.**

A.) The suit must be served on the contractor's bond by Labor and Industries to do this, send three copies of your Summons & Complaint form to L&I, along with a check for \$20 made out to the Department of Labor & Industries for processing. Send it by certified or registered mail to: Department of Labor & Industries, Contractor Registration, PO Box 44450, Olympia, WA 98504-4450. Labor & Industries will serve the contractor and the bond company with the lawsuit. In addition, L&I will send copies of the transmittal letters back to you as proof of service. This is serving suit on the contractor for the amount available in the surety bond only.

B.) To serve the contractor and/or their business you will need additional copies of the summons & complaint served through another non-interested party (see "process server" in the yellow pages for more information) Please see Washington Courts Civil Rule 4 - Services How Made for additional information.

Civil rule 4:

http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=sup&set=CR&ruleid=supcr04

C.) Keep a copy of the Summons & Complaint for your records

5.) **At this point, L&I does not have any further involvement** with the case action, other than as a record keeper. When your case is concluded, mail a copy of the Judgment and Order to L&I. L&I updates records of judgments, dismissals and other court decisions, only when they are sent to us by interested parties.

For more information, call 1 (800) 647-0982.

Filing Suit against an Electrical Contractor

There are different bonding requirements for Electrical contractors and filing suit must be done in accordance with RCW 19.28.071. You can obtain additional information from the electrical program at <http://www.lni.wa.gov/forms/pdf/625053a0.pdf> or by phone at 360-902-5269.